

UNITED STATES DISTRICT COURT

# DISTRICT OF NEVADA

HADARI STALLWORTH,

Case No. 2:20-cv-00666-KJD-DJA

## Plaintiff

## ORDER

v.

CLARK COUNTY, ex rel., CLARK COUNTY  
SHERIFF'S OFFICE, et al.,

## Defendants

## I. DISCUSSION

On April 8, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
  - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
  - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

Plaintiff has not submitted a Financial Certificate or inmate account statement for the past six months. Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to

1 proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file  
2 a fully complete application to proceed *in forma pauperis* on or before **June 15, 2020**.  
3 Absent unusual circumstances, the Court will not grant any further extensions of time. If  
4 Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all  
5 three required documents on or before, the Court will dismiss this case without prejudice  
6 for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of  
7 the documents needed to file a fully complete application to proceed *in forma pauperis*.  
8 To clarify, a dismissal without prejudice means Plaintiff does not give up the right to refile  
9 the case with the Court, under a new case number, when Plaintiff has all three documents  
10 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
11 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
12 full filing fee of \$400 on or before **June 15, 2020** to proceed with this case. The Court  
13 will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the  
14 complaint unless and until Plaintiff timely files a fully complete application to proceed *in*  
15 *forma pauperis* with all three documents or pays the full \$400 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
18 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
19 application to proceed *in forma pauperis* with all three documents.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
21 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
22 document entitled information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **June 15, 2020**, Plaintiff will either  
24 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
25 administrative fee) or file with the Court:

26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
28 signatures on page 3),

1                   (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
2                   official (i.e. page 4 of this Court's approved form), and  
3                   (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
4                   **previous six-month period.**

5                   IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
6                   application to proceed *in forma pauperis* with all three documents or pay the full \$400  
7                   filing fee for a civil action on or before **June 15, 2020**, the Court will dismiss this action  
8                   without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
9                   when Plaintiff has all three documents needed to file a complete application to proceed  
10                  *in forma pauperis*.

11                  IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
12                  (ECF No.1-1) but will not file it at this time.

13                  DATED: April 14, 2020

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17                  UNITED STATES MAGISTRATE JUDGE

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